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**UNITED STATES DISTRICT COURT**

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**EASTERN DISTRICT OF TEXAS**

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ETHEL CHEATAM,

Plaintiff,

v.

JCPENNEY CO., INC., et al.,

Defendants.

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CIVIL ACTION NO. 1:16-cv-72

**ORDER ADOPTING MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

This case was referred to the Honorable Zack Hawthorn, United States Magistrate Judge, for all pretrial matters pursuant to General Order 05-07. Pending before the court are two motions to dismiss, the first filed by JCPenney Co., Inc. (“JCPenney”), and the second filed jointly by several individual Defendants. (Doc. Nos. 9, 11). The court has received and considered the report and recommendation of the magistrate judge, which recommends that the court deny JCPenney’s motion to dismiss Plaintiff’s Title VII retaliation claims, grant both JCPenney and the individual Defendants’ motions to dismiss Plaintiff’s defamation claims (but allow Plaintiff leave to amend), and grant the individual Defendants’ motion to dismiss with prejudice Plaintiff’s Title VII claims against them in their individual capacities. (Doc. No. 17). No objections have been filed to the magistrate judge’s report and recommendation, and the time for so doing has passed.

It is, therefore, **ORDERED** that the magistrate judge’s report and recommendation is **ADOPTED**. JCPenney and the individual Defendants’ motions to dismiss are granted in part and denied in part in accordance with the magistrate judge’s report and recommendation.

Plaintiff shall have fourteen (14) days from entry of this order by which to amend her complaint to state her defamation claims with sufficient particularity as set forth in the magistrate judge's report and recommendation.

SIGNED at Plano, Texas, this 8th day of September, 2016.

A handwritten signature in black ink, reading "Marcia A. Crone". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

MARCIA A. CRONE  
UNITED STATES DISTRICT JUDGE